



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**α -KETO ACID REDUCTASE, METHOD FOR PRODUCING THE SAME,
AND METHOD FOR PRODUCING OPTICALLY ACTIVE α -HYDROXY ACIDS
USING THE SAME**

the specification of which was filed on July 15, 2003.

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys/agent(s) at **Lahive & Cockfield, LLP**, 28 State Street, Boston, Massachusetts 02109, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

no such foreign applications have been filed
 such foreign application have been filed as follows:

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Application Number	Country	Date of Filing	Priority Claimed Under 35 USC 119
2002-207507 JP	JP	July 16, 2002	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No _____
			<input type="checkbox"/> Yes <input type="checkbox"/> No _____
			<input type="checkbox"/> Yes <input type="checkbox"/> No _____

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Application Number	Country	Date of Filing

CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATIONS

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

no such U.S. provisional applications have been filed.

such U.S. provisional application have been filed as follows:

Application Number	Date of Filing	Priority Claimed Under 35 USC 119
		<input type="checkbox"/> Yes <input type="checkbox"/> No _____
		<input type="checkbox"/> Yes <input type="checkbox"/> No _____
		<input type="checkbox"/> Yes <input type="checkbox"/> No _____

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

no such U.S./PCT applications have been filed.

such U.S./PCT application have been filed as follows:

Application Number	Relationship	Parent Application	Date of Filing

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

James E. Cockfield	19,162	Peter C. Lauro	32,360	Theodore R. West	47,202
Thomas V. Smurzynski	24,798	Jeanne M. DiGiorgio	41,710	Hathaway P. Russell	46,488
Ralph A. Loren	29,325	Megan E. Williams, Ph.D.	43,270	John S. Curran	50,445
Giulio A. DeConti, Jr.	31,503	Jeremiah Lynch	17,425	Lisa M. DiRocco	51,619
Elizabeth A. Hanley	33,505	David J. Rikkers	43,882	Danielle L. Herritt	43,670
Amy E. Mandragouras	36,207	*Maria Laccotripe Zacharakis, Ph.D.		Cynthia M. Soroos	53,623
Anthony A. Laurentano	38,220	Debra J. Milasincic, Ph.D.	46,931	Jonathan M. Sparks, Ph.D.	53,624
Kevin J. Canning	35,470	David R. Burns	46,590	Merideth C. Arnold	52,568
Jane E. Remillard	38,872	Sean D. Detweiler	42,482	Peter W. Dini, Ph.D.	52,821
DeAnn F. Smith	36,683	Cynthia L. Kanik, Ph.D.	37,320	Andrina Williams Zink	P54,539

* Limited Recognition Under 37 C.F.R. § 10.9(b)

all of **Lahive & Cockfield, LLP**, 28 State Street, Boston, Massachusetts 02109, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

Please mail all correspondence to Elizabeth A. Hanley at **Customer Number 00959**, whose address is:

Lahive & Cockfield, LLP
28 State Street
Boston, Massachusetts 02109

Please direct telephone calls to: Elizabeth A. Hanley at (617) 227-7400.

Please direct facsimiles to: (617) 742-4214

Full name of sole or first inventor Norihiro Kimoto	
Sole or first inventor's signature <i>Norihiro Kimoto</i>	Date August 19, 2003
Residence Ibaraki, Japan	
Citizenship Japan	
Mailing Address 1-14-14-401, Sengen, Tsukuba-shi Ibaraki 305-0047 JAPAN	

Full name of second inventor, if any Hiroaki Yamamoto	
Second inventor's signature <i>Hiroaki Yamamoto</i>	Date August 19, 2003
Residence Ibaraki, Japan	
Citizenship Japan	
Mailing Address 1-14-14-103, Sengen, Tsukuba-shi Ibaraki 305-0047 JAPAN	

Full name of third inventor, if any	
Third inventor's signature	Date
Residence	
Citizenship	
Mailing Address	

Full name of fourth inventor, if any	
Fourth inventor's signature	Date
Residence	
Citizenship	
Mailing Address	



FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT **(\$)** **130.00**

Complete if Known

Application Number	10/619779-Conf. #3310
Filing Date	July 15, 2003
First Named Inventor	Norihiro Kimoto
Examiner Name	Not Yet Assigned
Art Unit	1744
Attorney Docket No.	SHZ-015

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None

Deposit Account:

Deposit Account Number **12-0080**

Deposit Account Name **Lahive & Cockfield, LLP**

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments

Charge any additional fee(s) or any underpayment of fee(s)

Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1051	130	2051	65 Surcharge – late filing fee or oath
1052	50	2052	25 Surcharge – late provisional filing fee or cover sheet.
1053	130	1053	130 Non-English specification
1812	2,520	1812	2,520 For filing a request for ex parte reexamination
1804	920*	1804	920* Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840* Requesting publication of SIR after Examiner action
1251	110	2251	55 Extension for reply within first month
1252	420	2252	210 Extension for reply within second month
1253	950	2253	475 Extension for reply within third month
1254	1,480	2254	740 Extension for reply within fourth month
1255	2,010	2255	1,005 Extension for reply within fifth month
1401	330	2401	165 Notice of Appeal
1402	330	2402	165 Filing a brief in support of an appeal
1403	290	2403	145 Request for oral hearing
1451	1,510	1451	1,510 Petition to institute a public use proceeding
1452	110	2452	55 Petition to revive – unavoidable
1453	1,330	2453	665 Petition to revive - unintentional
1501	1,330	2501	665 Utility issue fee (or reissue)
1502	480	2502	240 Design issue fee
1503	640	2503	320 Plant issue fee
1460	130	1460	130 Petitions to the Commissioner
1807	50	1807	50 Processing fee under 37 CFR 1.17(q)
1806	180	1806	180 Submission of Information Disclosure Stmt
8021	40	8021	40 Recording each patent assignment per property (times number of properties)
1809	770	2809	385 Filing a submission after final rejection (37 CFR 1.129(a))
1810	770	2810	385 For each additional invention to be examined (37 CFR 1.129(b))
1801	770	2801	385 Request for Continued Examination (RCE)
1802	900	1802	900 Request for expedited examination of a design application
Other fee (specify)			

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) **130.00**

**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY

(Complete if applicable)

Name (Print/Type) **Jeanne M. DiGiorgio** Registration No. **41,710** Telephone **(617) 227-7400**

Signature

Date **December 15, 2003**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 311016821 US, in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: December 15, 2003

Signature:

(Jeanne M. DiGiorgio)